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OFFICE OF PETITIONS

In re Application of
Michael Richard Cooper et al.
Application No. 10/042,007
Filed: January 8, 2002
Attorney Docket Number: AUS920010030US1

ON PETITION

This is a decision on the petition, filed November 17, 2006 under 37 CFR 1.137(b)¹, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on September 18, 2005 for failure to timely file a response to the Final Office Action mailed June 17, 2006. A three month period for reply was set by statute and since no response or extensions of time were filed, a Notice of Abandonment was mailed July 18, 2006. Prior to the mailing of the Notice of Abandonment, a petition under 37 CFR 1.137(a) was filed February 2, 2006. The petition was dismissed in a decision mailed September 25, 2006 because petitioner had not established unavoidable delay.

Comes now petitioner with the instant petition under the unintentional standard and asks that the after final amendment filed February 2, 2006 be entered.

¹A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

The examiner has reviewed the amendment and has determined that the amendment filed February 2, 2006 is acceptable.

All other requirements under 37 CFR 1.137(b) having been met, this matter is being referred to Technology Center 2851.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball

Senior Petitions Attorney

Office of Petitions